



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

September 13, 1994

Honorable James M. Kuboviak  
Brazos County Attorney  
Courthouse  
Bryan, Texas 77803

Letter Opinion No. 94-068

Re: Use of fees collected by a county bail  
bond board (ID# 25332)

Dear Mr. Kuboviak:

You ask, with regard to "the disposition of fees that accumulate over time in excess of the [county bail bond] board's expenses," whether such "excess funds deposited into the county's general fund may be used by the county for purposes other than the administration and enforcement of state laws regulating bail bondsmen."

Article 2372p-3, V.T.C.S., requires the creation of county bail bond boards in counties of more than 110,000 population and permits their creation in smaller counties. *Id.* §§ 3, 5. Boards are composed primarily of certain judges and other county and district officers, or their designees. *Id.* § 5. In order to act as a bail bondsman in a county which has created a bail bond board, a person must *inter alia* pay a fee to and obtain a license from the board. *Id.* § 6. An additional fee must be paid in connection with the renewal of licenses, which expire biannually. *Id.* § 8. The act specifically provides with regard to the disposition of fees:

*All fees collected by the board shall be deposited in the general fund of the county for use in administration and enforcement of the Act. The board is authorized to receive disbursements from the general fund for reasonable expenses incurred in the enforcement of this Act, but service on the board is considered an additional duty of office, and the members of the board are not entitled to compensation for the service but only for the reimbursement of any expenses actually incurred as a result of the service.*

*Id.* § 8(b) (emphasis added).


You advise that, in your opinion, the "plain meaning" of the above-quoted portion of section 8 is that the fees in question may only be used for the administration and enforcement of the act. You note, however, that it has been argued that "because the fees are placed into the county's general fund they lose their special character and purpose, making them available to pay for any county expense."

We agree that the act clearly restricts use of "all fees" collected by the board under the act to "use in the administration and enforcement of the act." We find no legal basis for the proposition that the placement of monies in the county general fund somehow negates statutory restrictions on the particular uses of such funds.

**S U M M A R Y**

All fees collected by a county bail bond board may be used only for administration and enforcement of V.T.C.S. article 2372p-3, which provides for the regulation of bail bondsmen.

Yours very truly,

A handwritten signature in black ink, appearing to read "William Walker", with a long horizontal flourish extending to the right.

William Walker  
Assistant Attorney General  
Opinion Committee